

In the Supreme Court of the State of Idaho

IN RE: ORDER AMENDING RULE ON
ELECTRONIC FILING AND SERVICE

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ORDER

The Court having received recommendations to amend the rule on electronic filing and service and having reviewed those recommendations:

NOW THEREFORE IT IS ORDERED THAT the rule regarding electronic filing and electronic service is amended as follows:

(e) Electronic Filing

5. Technical Error / Relief.

A. Any party may obtain relief if the electronic filing system is temporarily unavailable or if an error in the transmission of the document or other technical problem prevents the electronic filing system from receiving a document. ~~The court may,~~ Upon satisfactory proof of such an occurrence, the court shall permit the filing date of the document to relate back to the date the filer first attempted to file the document to meet filing requirements. If appropriate, the court may adjust the schedule for responding to these documents or the court's hearing, or provide other relief.

B. A filer who resubmits a document under this subsection:

- i. Must include in the Filing Comment field notification for an electronic resubmission the following words: "RESUBMISSION OF FILING, SUBMISSION UNSUCCESSFUL, REQUEST FILING DATE RELATE BACK TO _____, DATE OF ORIGINAL SUBMISSION."
- ii. Must also provide the date of the original attempted submission, the date the filer was notified the submission was not successful, and explain the reason for requesting that the date of filing relate back to the original submission. The request for original filing date must be resubmitted within 7 business days (excluding legal holidays) of the date the filer was notified

the submission was not successful. If the seventh day following notice of error is not a judicial day, then the filer may resubmit the filing with a request under this subsection on the next judicial day.

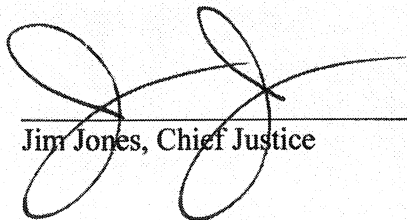
- iii. May also include supporting exhibits that substantiate the system malfunction together with the resubmission.
- C. Technical errors on the part of the filer's equipment or attempted transmission within the filer's control will not generally excuse an untimely filing. Counsel error in connection with electronic filing requirements in a civil matter must be addressed under Idaho Rules of Civil Procedure Rule 60(b).

IT IS FURTHER ORDERED, that this order and these amendments shall be effective immediately.

IT IS FURTHER ORDERED, that the above designation of the striking of words from the Rules by lining through them, and the designation of the addition of new portions of the Rules by underlining such new portion is for the purposes of information only as amended, and NO OTHER AMENDMENTS ARE INTENDED.

DATED this 30th day of March, 2016.

By Order of the Supreme Court



Jim Jones, Chief Justice

ATTEST: Stephen Kenyon
Clerk

I, Stephen W. Kenyon, Clerk of the Supreme Court of the State of Idaho, do hereby certify that the above is a true and correct copy of the Order entered in the above entitled cause and now on record in my office.
WITNESS my hand and the Seal of this Court 3.31.16

Stephen Kenyon Clerk
By: Sina D. Thomas Deputy